

# “Drowning in the Desert”

Review by Mariya Barmak

For a whole new perspective on what it means to be an attorney and what it means to be an American, I recommend the book “Drowning in the Desert: A JAG’s Search for Justice in Iraq” by Vivian Gembara. The book chronicles the author’s year-long deployment in Iraq, from the very beginning of the war in 2003 until March 2004.

As an attorney with the Judge Advocate General’s Corps (JAG), a judicial arm of the U.S. Army, Capt. Gembara, with the assistance of only three paralegals, advised more than 3,000 soldiers in her brigade on a variety of issues. They handled everything from wills and divorces to the military’s rules of engagement, and from the use-of-force in a war zone to proper treatment of Iraqi detainees.

In addition to her advisory duties, Capt. Gembara was the lead prosecutor in a case where two soldiers were charged with deserting the army and kidnapping an Iraqi civilian. She also worked with Iraqi civilians to investigate claims that soldiers allegedly caused property damage, personal injury or even civilian death. After reviewing claims, if appropriate, she would help determine what compensation would be paid for such claims.

As the second part of the book heats up, Capt. Gembara describes her investigation of a claim that several soldiers forced two unarmed young men to jump into the river, whereby one of them drowned. Then, the author learns about a suspicious death of another Iraqi at the hands of the same group of soldiers. She soon learns that several top commanders were involved in covering up both events, and her further efforts are thwarted by the chain of command.

This book discusses a unique practice of law that very few attorneys outside the military are familiar with. The JAGs must deal with issues that civilian attorneys never have to think about. For example, many trial lawyers interview witnesses and collect evidence on a regular basis. However,

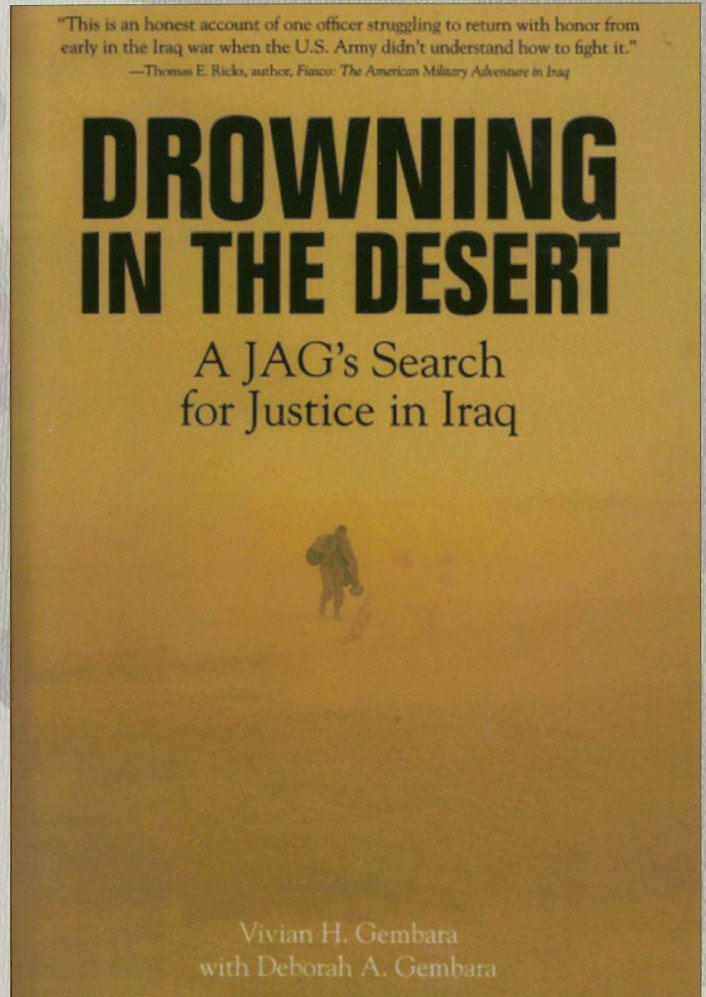
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interviewing witnesses and collecting evidence takes on a whole different dimension in a war zone, where even a short trip means traveling on roads infested with IEDs (improvised explosive devices). The JAGs also face unique conflicts of interests, because they often advise and prosecute the soldiers.

What makes Capt. Gembara’s story interesting is the timing of her deployment at the very beginning of the war in Iraq. There was very little precedent for her to rely on.



For example, her trial of one of the soldiers accused of desertion and kidnapping was the first trial of an American soldier in Iraq. Capt. Gembara and her team actually had to build the courtroom where the trial took place, something that most attorneys never do. Things like printers, copiers and office supplies — which most attorneys take for granted — were seldom available. For JAGs, it is never just another day in the office. There is no such thing as going home at the end of the day, either.

“Drowning in the Desert” explores how standing up for what is right, despite pressures to the contrary, especially from the chain of command, is never easy. Because all attorneys have a special obligation to justice, this theme is very relevant to any member of this profession, regardless of practice area. I recommend this well-written book to anyone interested in military law or legal ethics. “Drowning in the Desert” offers the reader valuable and unique insights on what it means to be an attorney and what it means to be an American. ▣

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